REMARKS

Claims 1-37 are pending in the application. Claims 27 and 35 have been cancelled herein.

Claims 1, 3-4, 6-7, 9-10, 12-13, 15-16, 18-19, 20-22, 24-30 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Shi (U.S. 6,507,740).

Shi describes a method for adapting the handoff threshold in a mobile communications system. Link quality and signal strength of nearby cells are scanned along with similar parameters for the present base station. A handoff threshold is adapted or adjusted according to the dynamic channel conditions of the presently communicating channel of the mobile unit.

Shi describes that the handoff threshold may be raised to discourage handoff if the signal quality is at or near a maximum signal quality and the handoff threshold may be lowered to encourage handoff if the link quality appears to be in transition or otherwise degrading.

However Shi fails to teach or suggest applicant's claimed handoff limiting unit which stops said processing for handing off said mobile station to said another wireless base station when a frequency of handoffs of said mobile station to said another wireless base station exceeds a predetermined frequency.

Shi describes raising or lowering the handoff threshold depending upon the signal qualities, however Shi does not suggest the claimed features in applicant's independent claims. For example when the frequency of handoffs exceed a predetermined frequency the handoff limiting unit stops processing for handing off a mobile station to another wireless base station.

Therefore it is respectfully requested the rejection be withdrawn.

Claims 2, 5, 8, 11, 14, 17, 20, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi.

The Office Action asserts it is well known in the art to vary the threshold on a real-time basis. However applicant respectfully submits that in the combination of features recited in applicant's claims such real time threshold variance is neither obvious nor a simple design feature. Nor is there such a suggestion in the cited reference. It is only from applicant's own disclosure that such a suggestion is found. Further applicant cannot judge the accuracy of the assertions made in the Office Action since no reference was cited. It is respectfully submitted such a feature is non-obvious to one skilled in the art.

It is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103. Moreover, "an examiner may often find every element of a claimed invention in the prior art." In re Rouffet, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference).

Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. "Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be 'clear and particularity.'" In re Dembiscak, 175 F.3d 994, 999 (CAFC 1999).

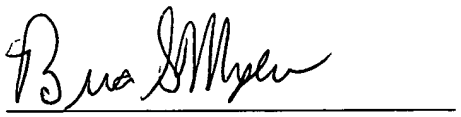
The only such suggestion provided has been from applicant's own disclosure. The Office Action only recites that it is "well-known" without providing any reference to judge this assertion by.

It is respectfully requested the rejection of claims 2, 5, 8, 11, 14, 17, 20, 23 and 31 be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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